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S P E E C H
OF
HON. JAMES NOXON,
OF ONONDAGA,
ON THE
Trinity Church Bill.

S P E E C H
O F T H E
H O N . J A M E S N O X O N ,
O F O N O N D A G A ,
O N T H E
T R I N I T Y C H U R C H B I L L .

Delivered March 26, 1857.

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SPEECH.

IN SENATE,
March 26, 1857. }

In Committee of the Whole, Mr. PETTY in the Chair.

Mr. NOXON:

It is well known, Mr. Chairman, that at the last session of the Legislature a committee was appointed on the part of the Senate, to take certain testimony in matters relating to Trinity Church, by way of filling up a gap which had been left by that church, unanswered, in certain resolutions which were proposed by the Senate of 1855, calling upon the Corporation of Trinity to make answers to certain questions then propounded. The resolutions to which I allude will be found in the report of the committee of January 29, 1857.

The committee proceeded to the city of New-York some months prior to the meeting of the Legislature. It notified the proper parties connected with the church that the committee was in session. The notice was served on the officers of the corporation. As one of the committee having that matter in charge, I had hoped that the corporation of Trinity Church would see fit to come before the committee, and to make such statements of facts as would enable us properly to discharge our duty. But we were disappointed, not only in hearing from Trinity Church, in person, but also in finding that one member of the vestry refused to testify before the committee on the

grounds, as stated by him, that there was a controversy going on between the corporation and the committee, and that it was not proper for him to answer questions put to him by the latter. Your committee, having no power in the matter, could not compel this man to testify ; but I ought to say, in justice to him and to Trinity, that he has since consented to come before the committee and give his testimony.

It is proper to state, Mr. Chairman, that I look upon all matters regarding the law now proposed to be amended as not affected by the great mass of testimony presented to the Senate ; but as involving, more properly, a simple question of law. I do not look upon that testimony, in any particular, as bearing on the real question now before this committee. It has regard only to the manner of executing certain powers conferred on the corporation by grants and by laws of the State of New-York ; but I cannot think that it has much to do with the principles involved in the present discussion. I ought, at least, to state how the committee viewed it ; and what the grant—the original grant—as we have looked upon it, had in contemplation when it vested certain property in the corporation now known as Trinity Church ; and I shall refer to the report by way of giving a history of a matter which is now one of the most exciting questions that has for sometime agitated the city of New-York, and, indeed, the country at large.

In the original charter of 1697, all the right Trinity Church had to the chapel and grounds adjoining will be found set forth in the extract from that charter, on page 3 of the special committee's report. It is declared therein "That the aforesaid church [meaning the church erected previous to 1697, on the site upon which Trinity Church is erected], erected and built as aforesaid, and situate in or near the street called the Broadway, within our said city of New-York, and the ground thereunto adjoining, inclosed and used for a cemetery or churchyard, shall be the parish church and churchyard of the parish of Trinity Church, within our said city of New-York ; and the same is hereby declared to be forever separated and dedicated

to the service of God, and to be applied therein;" and I call now the especial attention of the Senate to the precise language employed : "to the use and behalf of the inhabitants from time to time inhabiting and to inhabit within our said city of New-York, in communion of our said Protestant Church of England, as now established by our laws, and to no other use or purpose whatsoever."

And it is further declared in the same charter that the royal will and pleasure is to make and create, and the Rector of said parish, "together with all the inhabitants from time to time inhabiting and to inhabit in our said city of New-York, and in communion of our aforesaid Protestant Church of England, as now established by our laws, are created a body corporate," &c, and then follows the name of the corporation created, which is in these words: "We have ordained, constituted, and declared by these presents, for us, our heirs and successors, do ordain, constitute, and declare, that he (Lord Bishop of London) and his successors, and all such of our loving subjects as now are or hereafter shall be admitted into the communion of the aforesaid Protestant Chuch of England, as now established by our laws, shall be from time to time, and forever hereafter, a body corporate and politique, in fact and name, by the name of the Rector and inhabitants of our said city of New-York, in communion of our Protestant Church of England, as now established by our laws."

So it will be preceived, when we start off with the original charter, that it grants the chapel and grounds for the use and behalf of the inhabitants of the city in communion of the Protestant Church of England, as then established by law. It is further declared in the same charter, that to manage the affairs of the corporation there shall be annually elected two Churchwardens, and twenty Vestrymen, "*by the majority of votes of the inhabitants of the said parish in communion as aforesaid,*"—that is, with the Protestant Church of England as then established by law.

These are all the provisions to which it is necessary to call the attention of the committee, in order to show the nature of the original grant, and the persons who were entitled to vote under it.

The parish, by the grant, was declared to be the only parish in the city, and there can be no question the original intention was to convey this property to the members of the Episcopal Church (or Church of England) inhabitants of the city of New-York. The letter and spirit of the grant is too plain to admit of any controversy.

When we come to the next legislation in regard to the corporation, we find that in 1704 the Colonial Legislature confirmed the grant of 1697, by an act granting sundry privileges and powers to the Rector and inhabitants of the city of New-York, of the communion of the church of England, as by law established. In the first section of the act it is declared that "the Rector," &c., "and their successors," be able to sue, &c. (here enumerating the powers of the corporation), and by section 6 of said act, it is enacted "that it shall and may be lawful for the inhabitants aforesaid to assemble and meet together on Tuesday, in Easter week, annually, at the said church, to choose two churchwardens and twenty vestrymen, communicants of the said church, to serve and officiate for the next ensuing year, by the majority of the voice of the said communicants so met and not otherwise."

As to the meaning of "the inhabitants aforesaid," as used in this section, the title of the act and the previous sections give no room for doubt. The title expressed the act to be for *granting privileges and powers to the Rector and inhabitants of the city of New-York, of the communion of the Church of England*; and the recital was that *the inhabitants of the city of the communion of the Church of England had by voluntary contribution erected a church and purchased a site*. The first section provided that the Rector and inhabitants of the said city, in such communion, should be known in law by the name of "*The Rector and inhabitants of the city of New-York in communion of the Church of*

England as by law established." The second section provided that the Rector and inhabitants, and their successors, should have the right to purchase, take and hold real estate. The third section provided for presentation of a new Rector "in case of death of the Rector," by the *Churchwardens and Vestrymen of said church annually elected* by the inhabitants in communion as aforesaid.

In 1705, the grant of Queen Anne is made to this corporation, thus created under the charter of 1697, and the colonial act of 1704. In the grant itself, it is recited that, whereas the rector and inhabitants had been incorporated, with power to take lands, and that the corporation by their petition to the governor of the province of New York had prayed that the Queen would grant and confirm to their use, the farm known as the Queen's Farm, and which had before been known as the King's Farm, and also the Duke's Farm, following these recitals we come to the grant.

MR. WADSWORTH:

From what is the Senator reading?

MR. NOXON:

From Queen Anne's grant. It says: "Know ye by our special grace," &c., "We have given, granted, ratified and confirmed, in and by these presents, for ourselves, heirs and successors, we do give, grant, ratify and confirm, unto the said rector and inhabitants of the city of New York, in communion of the church of England, as by law established, and their successors, all and singular, the said farm," &c., "to have and to hold said farm, the several leases, &c., unto the said rector and inhabitants of the city of New York, in communion with the church of England, as by law established, and their successors forever."

No further legislation was had in regard to the corporation until after the revolution. In 1784 an act was passed making such alterations in the charter of the corporation as to render it more conformable to the Constitution of the State. In the third section of that act it is enacted as follows:

III. *Be it further enacted by the authority aforesaid,* That all persons professing themselves members of the Episcopal Church,

who shall either hold, occupy or enjoy a pew or seat in the said church, and shall regularly pay to the support of the said church, and such others as shall in the said church partake of the holy sacrament of the Lord's Supper, at least once in every year, being inhabitants of the city and county of New-York, shall be entitled to all the rights, privileges, benefits and emoluments, which, in and by the said charter and law first above mentioned, are designed to be secured to the inhabitants of the city of New-York in communion of the Church of England.

And preceding this third section is a preamble in the following language: "And whereas doubts have arisen on those parts of the said charter and law first mentioned, which speaks of inhabitants in communion of the said Church of England; for removal, whereof," sec. 3, "Be it further enacted, &c."

These doubts here alluded to, are as to that part of the charter which speaks of the people "in communion of the church of England," to whom were granted the rights and privileges of the original charter. It will be perceived that now, for the first time, we hear the Protestant Episcopal Church mentioned instead of the Church of England; a change made necessary by the revolution. So that under this act, the only change made, is that it gives the same powers to persons in communion of the Protestant Episcopal Church, which were formerly conferred on those in communion of the Church of England. It adds, also, one other class to those entitled to vote—those who are pew-holders in the church and pay regularly towards its support.

It is claimed by the present corporation, that in the third section which I have read, wherever the word "church" occurs, it refers to Trinity Church, and indeed it is absolutely necessary that this position should be taken, for if it does not refer to Trinity Church, but has reference to the Church of England, it is most apparent that the exclusive right claimed by Trinity Church is in derogation of that act. Now, it is most remarkable, that in the body of the act of 1784, the words "Trinity Church" are not to be found, and the title of the act which speaks of making alterations in the charter of the Corporation

of *Trinity Chnrch*, was clearly an assumption of the existence of a corporation which never existed by charter or law until 1814. The attention of the committee is called to the reasons expressed in the preamble for the enactment of section three. What are the doubts spoken of in the preamble? Are they not upon the charter and act of 1704, which speaks of inhabitants in communion of the Church of England? And when section three makes provision for removing these doubts, is it not an imposition upon the credulity of men to maintain that the word church refers to anything else but the subject matter which the section was designed to explain? It is not necessary for us to go beyond this act; a legislative construction is given as to the corporators. The provision is broad and plain, that communicants and pew-holders in the Episcopal Church, being inhabitants of the city of New-York, are entitled to the privileges and emoluments which by the charter and act of 1704 were designed to be secured to the inhabitants so being in communion.

The applicants for the modification of the law of 1814, by virtue of the act of 1784, have secured to themselves rights and privileges, upon which they can rest with entire confidence. And I most cordially invite discussion and debate upon the provisions and spirit of that act.

In 1788—four years afterwards—an act was passed which authorized the corporation to take and use the name of “The Rector and Inhabitants of the City of New-York, in communion of the Protestant Episcopal Church in the State of New-York,” and confirmed all grants, deeds, and conveyances made to them under their former name. No other alteration was made in the act of 1788 at all material to this matter.

We have no further legislation in respect to the corporation, from 1788 until the act of 1814; and I beg to call the particular attention of the Senate to the words of certain sections of the act. By the first section, the title of the corporation is altered; and it is provided that “from and after the passage of this act, the said Corporation of Trinity Church, instead of their present name, shall take and use the name of ‘The Rector, Churchwar-

dens and Vestrymen of Trinity Church, in the City of New York.'"

By section two of the same act, it is provided "that all male persons of full age, who, for the space of one year preceding any election, shall have been members of the congregation of Trinity Church aforesaid, or any of the chapels belonging to the same, and forming part of the same religious corporation, and who shall hold, occupy, or enjoy a pew or seat in Trinity Church, or in any of the said chapels, or have partaken of the holy communion therein within the said year, and no other persons, shall be entitled to vote at the annual elections for the churchwardens and vestrymen of the said corporation."

Now, it will be perceived by the committee, that if under the original grant of 1697, and under the colonial act of 1704, and the act of the Legislature of the State in 1784, the inhabitants of the city of New-York in communion of the Church of England, or of the Protestant Episcopal Church of the United States, had a right to vote on matters relating to the Corporation of Trinity Church ; then the act of 1814 struck down that right and took it away from them. Under the act of 1814 it will be seen that all grants given to communicants in other Protestant Episcopal churches not immediately attached to Trinity, were annihilated ; that if there is any such thing as a vested right on the part of the inhabitants of New-York in communion of the Protestant Episcopal church, the object and effect of section 2 of the act of 1814 was to strike down their privileges, given under the Colonial acts and the acts of the Legislature of the State.

The special committee, believing that the original intent of all the acts up to 1814 was to vest in the Protestant Episcopal people of New-York the right to vote for vestrymen in Trinity Church, have introduced a bill to restore to them those rights. By section two of the act now under consideration, we do restore to them those rights, while we take away not one privilege ever granted to the church. We are but asking those members who now control the affairs of the corporation, to allow those who were corporators with them up to 1814, to share those privileges they both then enjoyed in common.

It may be urged that prior to the act of 1814, the parties for

whose rights we now contend, did not discharge those duties or avail themselves of those privileges. But this is not a matter for us to consider. The only question which should guide us here, is whether they really possessed the rights stripped from them in 1814. As a purely legal question, I put it to the Senate to say whether that act of 1814 was not distinctly opposed to the spirit and letter of the original grants.

I am not here at this time, Mr. Chairman, to charge Trinity Church with having come to this Capitol to get that act through the legislature by wicked and improper motives. She may have had the purest intentions for aught I know or care at the present time, in securing that law; but the question is, what are we to say and to do now that the subject is presented to us?

The Senate knows, and I know the difficulties this legislature has experienced in investigating this matter. The first thing we did, when the abuses of the corporation were brought to our notice, was simply to pass resolutions designed to elicit the facts in the case. But they were useless, for she defied us. Trinity Church haughtily defied the State of New-York. She was a corporation, with grants with which we could not interfere. She had vested rights which were out of our power to touch. No legislature, she said, could call her to account for the manner in which she discharged the duties conferred upon her in her grants and laws. Sir, I believe that these corporations are only the creatures of law, and that they are all bound to report to us their acts and to abide by the decision and judgment of the legislature.

But Trinity Church does not stop here. Not only does she deny the right of the Legislature to interfere in any manner with her affairs; but when deeming it prudent to report, how does she do so? She reports by spreading out on your tables no names of her corporators; and when taxed with the omission, says she did not suppose you needed them. Why? did not the Senate understand what they wanted? Is Trinity Church to come here and say to the Senate that she did not understand herself, nor know what she required? Sir, I accord more justice and more intelligence to the Senate of 1855 than to suppose they adopted resolu-

tions, calling for certain information, without understanding what they were about. But although Trinity Church would not then allow us to have the names of her corporators, she finally does so. She yields inch by inch—protesting at every step—until finally what do we find her doing? Why, she comes to us at last, not insolent and protesting, but begging—humbly begging—and petitioning, in the form of remonstrances, the Legislature of the State of New-York to let her alone, and not to take away her powers. I ask Senators to look at the flood of remonstrances from all parts of the State that have been poured into this Chamber. They come from the same power that would not only control the Legislature, but is controlling, with iron and despotic will, all the churches in the State of New-York belonging to the same denomination, who have been the recipients of her bounties.

And yet this is called a *Religious* Corporation. God save the word! A *Religious* Corporation! why it has not the least *scintilla* of spiritual life—it is like all other corporations without soul. It grovels among the things of this earth—among matters with which a purely religious corporation could have no connection or sympathy. Its affairs are managed, and its duties performed by standing committees, responsible to no one.

There has been a good deal of feeling manifested in this matter of Trinity Church, but it has been occasioned by persons interested in getting up such feeling. In order to carry out their plans, it seems the Senate is first to be attacked and then the Special Committee. What are the charges made against the committee? We are accused of having spread false things before the public. It is for the Senate to say whether the facts we set forth are not fully justified by the evidence.

Mr. SPENCER:

Will the Senator give way? It is now past the usual hour for adjournment, and I desire to move that the committee rise and report progress.

Mr. NOXON yielded the floor for the motion, and the committee rose and the Senate adjourned.

IN SENATE, THUDSDAY, 1 P. M.

The Senate resumed the consideration of the Trinity Church bill, Mr. DARLING in the chair.

Mr. NOXON said:

MR. Chairman: In addressing the committee upon this bill, I desire to briefly recapitulate the points I have taken in support of the bill, in order that the committee may bear in view, and have in their minds the true question before the committee. The statement I first made was that the title of the corporation, created by the grant from the English Crown, in 1697, was, "The Rector and Inhabitants of our said city of New-York, in Communion of our Protestant Church of England, as now established by our laws." Second. That under that grant the church and churchyard were "forever separated and dedicated to the service of God, and to be applied therein, to the use and behalf of the inhabitants from time to time inhabiting, and to inhabit within our said City of New-York, in communion of our said Protestant Church of England, as now established by our laws, and to no other use or purpose whatsoever." Third. That for managing the business of the corporation, there were annually elected two churchwardens and twenty vestrymen, "by the majority of votes of the inhabitants of the said Parish, in communion as aforesaid." Fourth. That in 1704 this grant was confirmed by the colonial act which conferred "sundry privileges and powers on the Rector and Inhabitants of the city of New-York, of the communion of the Church of England, as by law established." Fifth. That the estate known as the Queen's Farm, was granted in 1705 by Queen Anne, unto "The said Rector and inhabitants of the city of New-York, in communion of the Church of England, as by law established, and their successors all and singular." Sixth. That in 1784 an act was passed to make the charter of the corporation of Trinity more conformable to the constitution of the State; and that section 3 of that act, to clear up doubts which had arisen on those points of the original charter which spoke of inhabitants in

communion of the Church of England, declared that members of the Episcopal Church, who were communicants, or held pews in the church and paid regularly towards its support, should have the right to vote. Seventh. That in 1788 the title of the corporation was changed to "The Rector and Inhabitants of the City of New-York, in communion of the Protestant Episcopal Church in the State of New-York." Eighth. That in 1814, all the corporators who were not communicants of Trinity, or her parishes, were cut off from the rights and privileges enjoyed by them under the original charter and subsequent acts.

Perhaps I ought to say, before leaving this branch of the case (which treats of the rights of Trinity Church as now claimed, and under the acts and grants of the Crown and of the Colonial and our own State legislatures), something with regard to the manner in which the passage of the act of 1814 was procured, and what led to its adoption. There can be no question that so far as the Protestant Episcopal people of the city of New-York were concerned, there were a great number who had rights secured to them under the original charter, who were opposed to the act. I ought to say that the act of 1814 never really received the sanction of the Council of Revision. There was a division in the Council on that question; and it was necessary, in order that the act of 1814 might become a law, that it should pass the Council of Revision. The Council at that time consisted of D. D. Tompkins, Governor, Chancellors Lansing and Kent, William W. Van Ness, Ambrose Spencer, and Robert Yates. Perhaps not from that time to the present has there been a more distinguished and abler set of jurists assembled together, than the distinguished men who composed that Council of Revision. When the question came up, there was but one of the Council of Revision who finally voted upon it, who favored the act of 1814. Chancellor Lansing himself long entertained objections to the bill; and unless he had passed over and voted on the other side, it never would have become a law. Kent, Lansing, Spencer, Yates—every one of those distinguished men, then the brightest luminaries of the State—every one of them originally opposed the act of 1814. I may add that from the testimony, it appears that one of those men—Chanc-

cellor Kent—known and distinguished, not here alone, but throughout the world, after voting for the bill, pronounced it as his opinion that the law was unconstitutional. I speak of Chancellor James Kent.

Now it is clear that as the matter stood, the act of 1814 was not, as is contended, conceded on all hands to be right. There were rights to be affected by that act ; but the fact is, the council of revision placed great reliance in Judge Troup the leading Vestryman of the church, who promised that the government and management of the affairs of the church, under the law of 1814, should be the same as it had been prior to its passage. They then fell in with his views, and allowed the law to pass. I do not believe there can be any question but that the mind of Chancellor Lansing was influenced by Judge Troup, as to the rights affected by the bill of 1814, and the management proposed after it should become a law. But for the influence of Judge Troup over Lansing, who presented the objections to the Council of Revision, he never could have been prevailed upon to have voted against his own unanswerable objections.

I have now said as much as is necessary respecting the questions of law. I will now proceed to examine the evidence given before your committee.

It will be recollect that by the resolution which passed the Senate in 1853, Trinity church was called upon to set forth the value of her real estate. It is well known how Trinity church reported. Whether the corporation in their answer to the resolution of the Senate were actuated by high and noble principles it is not for me to say ; but I must revert to it in order that the Senate may understand what the value is.

The reply of the Church was grounded upon the valuation of the assessors and not upon the value she herself puts upon the property. And what is that valuation ? About \$1,500,000. Your committee in prosecuting the labors you had assigned to them, and in taking testimony for that purpose, proceeded differently. They called witnesses who knew the property, to prove the value of the real estate owned by the corporation, and the proof thus elicited is submitted to the Senate. I would refer Senators to the report to show them that the actual value of the

property upon which this valuation of a million and a half was put, exclusive of buildings, amounts to about six millions of dollars.

MR. WADSWORTH :

Will the Senator tell us what incumbrances there are upon that property?

Mr. Noxon :

It has no incumbrances that are worth speaking of. The mortgages and securities the church possesses outside this real estate, leaves her, in the judgment of your committee, with property in her hands worth nearly if not quite \$10,000,000. I ought, in justice to the appraisers, to say, that one of them, a responsible person, stated he would take every dollar of the property at its valuation—six or seven millions—and pay cash for it.

I now desire to call the attention of the committee to the valuation of some portions of the property by the corporation and by the special committee; and I do this in order that the committee may understand whether or not there was a design on the part of the corporation of Trinity Church to make any concealment in the matter of their property, without myself charging such design directly upon them. And first, I refer Senators to page 8 of the report of the select committee made in 1855; in which they will find that the corporation estimates the value of No. 351 Broadway, at \$12,081.56. This property is estimated by one appraiser at \$100,000, and by another at \$115,000. I also refer you to the valuation by the corporation, on page 9 of the first report, of the lots Nos. 136, 138, 140, and 142 Chambers-street—which I believe is the depot of the Hudson River Railroad—which valuation is \$28,827.40. And what is the proof on this point? Why, the proof is, that when the committee come to value this property, they find the fact to be that Trinity Church leases the same lots at a ground rent of \$5000. This she herself fixes to be at the rate of 5 per cent. on the value; thus making the valuation of the property, by her own estimate, one hundred thousand dollars.

I may be permitted to say here that this negotiation, by which Trinity Church fixed the valuation of the Chambers-street property at \$100,000, was made about two months before the report which they submitted to the Senate.

I call the attention also to the report, where this corporation values the lot 275 Greenwich-street at \$6840.60, a lot which by actual sale a few days previous to the report, was sold for the sum of \$20,000.

Again, no mention whatever is made by Trinity Church of the St. John's square property. It was a matter of too little consequence to report the valuation which the church put upon the square; and yet it is estimated by Trinity herself, in a negotiation for its sale, at the modest sum of *four hundred thousand dollars!*

But these discrepancies in the valuations are all explained and excused by Trinity in a few words, when she says "why, in our report we took the *assessors' valuation.*"

I would next call the attention of the committee to another branch of the case—that relating to the corporators. We have now some information respecting them. Although in reply to the original resolutions of the Senate, we could only get the number of the corporators, and not the names; the committee, in taking testimony, did, through the reports sent to them on behalf of Trinity Church, find what were the names of communicants in the church, and of the pew-holders, and the total number entitled to vote as corporators. And I may here say that we have had placed upon the files of the Senate, since our last report, memorials impugning in a measure the action of the committee in regard to the report she made relative to the list of corporators. These memorials set forth the charge that the committee have drawn conclusions not warranted by the testimony. A protest was then placed upon our files against the committee, asserting that they have made charges against the corporation not borne out by the evidence. Now, what was the statement of the committee on this point? Simply that it had been a most difficult matter for several years, even to get

a sight at the list of corporators. I beg to call the attention of the committee to some points in the reported evidence; and I will ask them, after loooking at the testimony, to say whether we were right in that assertion, or whether Trinity Church is right in charging that we are dragging her before the Senate to place her in a false position.

I say that for eighteen years—eighteen long years—one of her own clergymen, who ministered at her own altar, was not allowed to look into the list of corporators of that church. I refer the Senate to page 83 of the first report. Dr. Higbee swears that he has been an assistant Minister in Trinity Church for 18 years, and says: "I have never been able to see a list of the corporators of Trinity Church. Dr. Wainright and myself have made several efforts to obtain such a list unsuccessfully. Dr. Wainright, after being made bishop, told me he did receive such a list." In examining the Comptroller of the church, in New-York city, some questions came up, suggested by the replies of the Comptroller, as to the list of corporators. The question was put to him, "Have you a list of the voters in your possession?" To which he answered, "One of the lists was lost and afterwards found, and the number but not the names was added to our report. I presume their names are in the office; if the committee of the vestry authorize me to furnish such list I will do so?"

Why, is it not strange that the Comptroller of such a corporation as this, testifying before a committee of the Senate, should affect so little knowledge of the affairs of his own church? Is it not strange that when questioned as to the list of corporators, he should fall back upon the "Committee of the Vestry," and say, "if the Committee of the Vestry authorize me to furnish such a list, I will do so?"

At page 64, in assigning a reason why the names of the corporators were not given in the report, the comptroller in a communication addressed to the committee states it to be: "because the vestry were not aware that the liberty to inspect a list of such names had ever been refused to any corporator."

The Senators will pay particular attention to these words. I now desire to call the attention of the committee to the testimony of the rector, on page 55 of the second report. It will be borne in mind that the language used by the comptroller is, that he was not aware that the liberty of inspecting the names had ever been refused to any of the corporators. Was he not aware that Bishop Wainright had tried for years to get a list of the corporators, in vain? Was he not aware that the venerable rector himself had refused to show Bishop Wainwright such list? I will now proceed to read the testimony of Dr. Berrian, as to the difficulty of obtaining a sight of the names of the corporators:

Q. You speak of a resolution having passed the vestry, in relation to allowing Bishop Wainright to take a copy of a list of corporators. What called for this action on the part of the vestry? A. The reason was, the bishop wrote to me requesting the list from me. I replied that I had no power myself to lend the book, though he had the right to examine it.

Q. When was it? A. I think it was in 1853, shortly after he became bishop.

Q. Had he applied for it previously without success? A. I understood that he applied to a clerk in the vestry office, who declined, as I did, because he had not the power to do it.

So then we find the bishop asking not only the rector, but a clerk in the vestry office—trying in some manner or other to get a list of the corporators. But to continue:

Q. Did he ask to see it? A. I do not know; I presume he did; I think he asked me to see it.

Q. Did you show it to him? A. I think not.

Q. Why not? A. I have not the custody of the book. It is not in my office or custody.

I ask the committee to pay particular attention to the language here used by the Reverend Doctor, and to see whether he is not attempting to be a *little* scholastic over this matter, and endeavoring to select his words somewhat carefully. But we come to the next question:

Q. Who had it? A. At that particular time it was with me.

I suppose by the way the answer is given, the Rev. Doctor sought to avail himself of a special plea, as some lawyers are apt to do. Although the book was with him in fact, yet in the eye of the law it was not with him. I now call attention to the language used, after it has been admitted that the book was in his hands.

Q. Why did you not show it to him? A. I had it for the purpose of entering the names of new communicants, and the changes by death and removal.

Q. Did that prevent your showing it to him? A. I had no control in the matter. I looked upon the book as belonging to the comptroller and not to me.

Well, we might stop right here and ask, who is the head of the Corporation of Trinity Church—the comptroller, who is simply the agent of the corporation, or the Reverend Rector? The Rector seems certainly to have an idea that he has no power over whatever is in the possession of the comptroller or any other officer. The evidence continues:

Q. What are your powers, if any, over the books of the corporation? A. I have the sole custody of the parish register, containing the records of baptisms, marriages and burials; and those are the only books over which I have any control, though they are all open to my examination.

Q. Do you know of anything in the act of incorporation, or rules of the vestry, to prevent your showing the book to any person who applies to see it? A. I do not.

Q. Then I again ask why you did not show it to him? A. Because I thought it was the proper business of the comptroller to let him see it.

Now, then, they come here with their memorials, crowding the files of the Senate, and say that your committee have egregiously erred in saying that there was ever any difficulty in obtaining a list of the Corporators of Trinity Church!

I cite now—without particular reference to it—the testimony of John De Wolf, for many years Vestryman of Trinity Church, and who testifies that he never saw the list, although ten years a

vestryman. And yet they say that the reason they do not produce the names of their corporators is because they supposed that any person applying could at any time have obtained the list!

But this is not all. Perhaps the richest thing of the whole is the statement they make as to the *ninety-two* corporators that are communicants of Trinity Church and all her parishes, and the *two hundred* pewholders; making in all about three hundred to administer the vast funds of the corporation. May I not stop here and ask, if Trinity Church has in one hundred and sixty years added to her communicants *ninety-two* persons: if she has done thus much for the cause of the Episcopal church, what may we expect that she will come to in one hundred and sixty years more?

But when she makes this report to the Senate and spreads out before us her ninety-two corporators, and her two hundred pew-holders, even then she does not tell the truth; because we have evidence to show that not over one hundred and twenty-five of the three hundred returned here, are now at the present time communicants or pew-holders in the church. I desire to present to the committee better evidence bearing on this question, and shall refer them to the report for that purpose. The list containing the names will be found on page 68, in a schedule annexed to a communication from the comptroller to your committee, by which he makes an exhibit of the corporators who are not pew-holders. The number is ninety-two. On the next page, sixty-nine, the whole number of corporators as pew-holders, is made two hundred and twenty-one. So there are in all, as stated in these schedules, three hundred and thirteen corporators of Trinity Church. Now I have before me evidence to show that from the ninety-two names sent in to the Senate of the State of New-York as being corporators, communicants of that church, the following should be deducted:

Two are dead—

MR. BROOKS:

Will the Senator state whether they were dead at the time the report was made?

MR. NOXON:

One has died since the report—the other was dead at the time; twenty-two have no directory address; seven have removed from the city; four have gone over to other churches.

Nine are Rectors, Clergymen, &c., and ten are Vestrymen.

This makes a total of 54.

But from these we should perhaps deduct the Vestrymen, Rector, Clergymen, &c., numbering 19. This would leave, as the corporators of Trinity Church who are communicants, 57.

This is all. The Corporation of Trinity Church presents here, through its officers, a list of the corporators, and the facts show that its 92 dwindled down to 57.

But let us go a little further. We will not stop at the corporators who are communicants; we go on to the corporators who are pew holders. The Senators will recollect that at page 69, the number of these is put down at 221. Of these, 18 are supposed to be dead—at least they cannot be found, nor are their names in the Directory. 42 have removed from the city of New-York. 45 are known to be dead.

MR. BROOKS:

Will the Senator allow me to ask him, if, at the time the report was made, 42 of the pew-holders were absentees from the city?

MR. NOXON:

Yes, sir; and I will add that 49 had removed to other congregations; 15 were Vestrymen, Sexton, Clerk, &c., and 2 are not Episcopalians. Now there may be some power or other transmitted by the dead and the absent by which to enable the corporation to swell up the number to 221. But the total number not to be found among these pew-holders—including one duplicate name—is 168. If we deduct from this the 15 Vestrymen of the church, Sexton, &c., it will leave 68 as the actual number of pew-holders. So that the whole number of corporators in Trinity Church, in New-York city, is actually 57 communicants and 68 pew-holders—making a total 125.

Mr. Noxon at this point gave way for a motion to rise and report progress, and the Senate adjourned.

IN SENATE, March 27, 12½ M.

The Senate, in committee of the whole, resumed the consideration of the Trinity Church bill.

Mr. Noxon said : Mr. Chairman—while addressing the Senate yesterday, and at the time the committee reported progress on this bill, I was making some remarks in regard to the corporators, and I was showing that in the report made by Trinity Church to the Legislature of the State of New-York, the number of corporators, as communicants, was set down as 92, and the number as pew holders at 221, making 313 in all who were represented on the part of the corporators as entitled to vote in the election of wardens and vestrymen in that church. I also said the representations made by that corporation to the Legislature of the State of New-York were untrue; for that instead of there being that number of corporators, there were but 57 of the one class and 68 of the other, making the total number 125.

I now call the attention of the committee to another branch, and perhaps a more interesting branch, of this case in connection with Trinity Church. It is claimed on the part of the persons who have been deprived of the rights secured to them under the original charter and the laws of the State of New-York, that the trust entrusted to this corporation, under the charter and laws, is administered by them on party grounds; and that in addition to the administration of the fund on party grounds, the aid they render to the churches of New-York, and to those in the country, is rendered in such a manner as to create a dependence on the corporation of Trinity Church, on the part of those who receive such aid. This, I say, is the claim made on the part of the men who state that they are dispossessed and deprived of rights guaranteed to them in the original charter, by the law of 1814.

I beg leave to call the attention of the committee to that part of the evidence bearing on this branch of the case ; and I ask them to say, from the proof, whether this corporation, in administering the fund given for the benefit of all, does so impartially and fairly, or partially and for the benefit of those only who side with Trinity ? And first I call the attention of the committee to page 83 of the first report, in which the evidence

of a clergyman of the Episcopal Church, who had been for 18 years a minister in the city of New-York, is given. He swears before the committee that he has been acquainted with Trinity Church, and the management of her fund in a considerable degree, and says, "I do not consider the trust has been administered in such a way as best to promote the object for which it was given. Their course, in certain instances, to my knowledge, has been partial. I speak of their partiality as a fact, to my certain knowledge. It is a notorious fact, that while some churches have had aid to an excessive amount, others have been entirely cut off or proscribed."

I also call the attention of the committee to page 104 of the first report, on which page will be found the testimony of a clergyman of the protestant Episcopal Church, who holds a high position in the city of New-York. I allude to the Rector of Grace Church, that venerable and pious man, who, speaking on the very point to which I am calling the attention of the committee, gives the following evidence :

The question is put as to whether, in his opinion, Trinity Church is doing her utmost to make the capital of the corporation available for the founding, support or promotion of religious, charitable or educational institutions or purposes? The answer is, "from outward observation of their acts, I should say not."

The question is then propounded, "In what respect?" He replies: "Because they have not multiplied churches throughout the city to any extent, in proportion to their means. The aid which they have extended to feeble churches has been done reluctantly and offensively, either by taking mortgages on the churches to which they advanced money, or by annual payments to the support of the minister; in either way increasing their power over the corporations and ministers of the church to an extent which was fatal to all independence of thought or action on the part of such corporations or ministers. The tendency of this action is to enable her to exercise an overwhelming influence throughout the diocese."

I beg also to call the attention of the committee to the testimony of Dr. Anthon, at page 109 of the first report.

Dr. Anthon was an assistant Minister in Trinity Church from 1831 to 1836. The question is propounded to him as to the effect which the manner of making grants and loans, or aiding churches, has upon freedom of speech and freedom of action on the part of parishes and clergymen. A. In my opinion the effect is seriously to impair their independence.

Q. In application for aid, has Trinity Church, in your opinion, favored those whose party views and actions were similar to her own ? A. Unquestionably. For instance, while the application of St. Jude's church was pending, which was ultimately refused, it is said grants were made St. Luke's, the Holy Apostles, Dr. Seabury's, and others.

I beg also to refer the committee to page 10 of the new report, and to call their attention to the testimony of Dr. Haight, who was sworn as a witness on the part of Trinity Church, in the proceedings taken before the committee, and who says :

" In looking over the list of parishes whose churches have been mortgaged to Trinity Church, I find eight, the clergy and lay delegates of which, for a series of years, on all leading questions spoke and voted differently from the Rector and lay delegates of Trinity. Two of these are mortgaged for \$25,000, two for \$20,000, one for \$5000, the other three for smaller sums. So, also, in regard to the churches which have received grants of land and money, or annual stipends. I find nearly thirty which have taken the same independent course in convention, without regard to the course of Trinity."

There are 130 of that class of churches alluded to by Dr. Haight, which have received grants or stipends from Trinity ; so that out of 196 churches, we have 38 who have dared to raise their voices against the iron power Trinity Church would have exercised over them.

I also call the attention of the committee to a newspaper article which has been placed in the hands of almost every member of the Senate, headed " Trinity Church.—Answer to the charges."

I refer to that part of the statement which professes to give the amounts that have been appropriated by Trinity Church to the "High Churches" and "Low Churches," taking the twenty largest appropriations to the city churches and the country churches. In this connection, St. George's, St. Mark's, Grace Church, Christ Church, St. Michael's, St. James', St. Andrew's, St. Thomas', Ascension, St. Peter's and St. Bartholomew's are mentioned as the "Low Churches" in the city; and St. Stephen's, Zion, St. Clement's, St. Luke's, All Saints', St. Philip's, Annunciation, Nativity, and the Church of the Redeemer, as the "High Churches." The gifts to "Low Churches," the paper I hold in my hand says, have been \$822,000. To "High Churches" \$254,000. By which it would appear that Trinity Church was really doing more for the "Low Church" in the city of New York than for the "High Church."

I now desire to call the attention of the committee to this most significant fact; a fact that stands out boldly, which, if we were not well acquainted with the nature and character of the gifts and grants of Trinity, might blind the eyes of the committee to the facts as they in reality exist. But how is it in truth? The gift to St. George's church was made in 1812. That to St. Mark's in 1795. That to Grace Church in 1804 to 1811. That to Christ Church in 1805. And following down through the several gifts and grants, we find them nearly every one made prior to 1812. Since 1814, where are the gifts and grants made by Trinity to the high and low churches of the city of New-York. The only gifts bestowed upon the low churches of the city since 1814, are those to St. Thomas (\$32,000) in 1827; to Ascension (\$15,000) in 1829 to 1835; and to St. Bartholomew's in 1839; making a total of \$71,000 for all the gifts and grants since 1812, instead of \$822,000. So when this error is corrected, it stands "gifts and grants to 'Low Churches' since 1814, \$71,000 and 'High Churches' \$254,000, or more than double."

And while I am speaking of the gifts and grants by Trinity Church to the churches in the city of New-York, I cannot refrain from mentioning one case, that of the Church of St. Mat-

thew, in the city of New-York, a little church, with a debt of \$1300, who came begging, imploring and beseeching Trinity Church to grant her aid. At that very time Trinity was pouring into the treasuries of the high churches her hundreds and thousands of dollars ; but she allowed St. Matthew's to die, and her doors to be closed within the very sight of her own proud spires. And no excuse is offered for this. Clergyman after clergyman is called upon to give a reason why St. Matthew's was thus treated ; but none is given. They say it is a very unpleasant subject to talk about, but we never get at the fact as to what there is so unpleasant about it, or why they allowed her to die at the same time that they were giving to the rich churches up town their hundreds and thousands of dollars. I have heard it whispered that it was because the pastor of the church was not exactly the man to preside over a congregation.

I should like to know whether this can be considered a sufficient reason why the congregation of St. Matthew's should see their church expire within the very sound of the music of the bells of Trinity. I should like to know whether this can be a sufficient reason why Trinity, with the wealth given for aid of all the Protestant Episcopal Churches in her possession, should allow her children to die without stretching forth a helping hand. And yet this corporation would tell us that in the distribution of the funds there is no party consideration !

Sir, this despotism of Trinity Church does not stop with the churches of New-York. We have seen it exemplified here, so plainly that he who runs may read, that the power of Trinity is wielded over the entire church, and that those in the country which have received her aid are now called upon to influence the legislature in her behalf. Witness the flood of memorials that have poured in upon us. I ask what the Episcopal Churches outside of New-York can know of this proceeding ; what can they know of the proceedings here at the Capitol ? What alarm has been sent abroad to say to them " remonstrate against this law ;" a law, the proposition of which not one out

of a hundred of them can be acquainted with. I beg to direct the attention of the committee to these remonstrances. It will be seen that they all come from one press, that they are stereotyped, and sent out by Trinity Church unto all the churches of this state who have received aid from her, and who are required to remonstrate, blindfold, against the passage of this law. Here is the memorial :

To the Hon. the Senate and House of Assembly of the State of New-York.

The Remonstrance of the undersigned Members of the Protestant Episcopal Church of the United States, Inhabitants of Whitestown, in the State of New-York, not belonging to the Parish of Trinity Church, New-York, respectfully represents :

That your Memorialists are opposed to any repeal, alteration, or modification by the Legislature, of an Act entitled "An Act to alter the name of the Corporation of Trinity Church, and for other purposes," passed on the 25th of January, 1814. They are convinced that such action, by casting doubt upon the exclusive rights of the present Corporators of Trinity Church to vote at the elections for Church Wardens and Vestrymen of that Parish, which they have enjoyed and exercised, without disturbance, under that Act for forty-three years, would destroy confidence in the security of property. Your Remonstrants foresee, moreover, that the direct effect of such appeal, modification, or alteration would be very injurious to the interests of country Parishes, and would encourage litigations dangerous to the peace of the religious community, of which your Remonstrants are members; and that if the parties promoting such litigations should succeed, the elections of Trinity Church would become scenes of disorder and unseemly contest between rival parties seeking the control and management of her estate. And your Remonstrants will ever pray, &c.

I should like to know who told Trinity Church that the Senate in its action sought to throw doubts on the rights of her corporators; I should like to know where Trinity and her corporation can find any provision in the proposed law that can

cast doubt on the right of her corporators? Why, Sir, this bill seeks to make plain those rights. No person here asks that any doubts shall be thrown over these rights. We ask, that those who are corporators now should still remain corporators, and that they should go a little further and restore rights to those corporators who have been deprived of them. This the country churches do not know anything about. There could not be found one in opposition to the bill, if they knew the egregious wrong suffered by those to whom it seeks to do justice.

They next say that injustice is intended to country parishes. How so? What injustice? You simply open the doors, and allow those for whose use the property was set apart by grants and charters, to vote and have a choice in the selections of the Vestrymen and Wardens who are to administer that fund for their use. But they tell us that the men who apply here for this law, are proposing matters that must be for the injury of the country churches. I can only say that I can point to four of the names among the signatures on the memorial for the bill, who have given, and are annually giving more to the country churches than Trinity herself, with her millions of property. And yet you would tell me that we are *injuring* the country churches! They say, too, that the law would encourage litigation; but they do not tell how. I can hardly perceive how it would encourage litigation to allow parties to vote who are entitled to do so.

There is a common error abroad in the land that this property and Queen's Farm are the property of Trinity Church. It is the most egregious error that ever crept into the brain of the most credulous man. Trinity Church never had any right to the property as Trinity Church. She has not to this day any right, except what she gets under the law of 1814. To whom then does the property belong? To the corporators. And who are the corporators? Why the Rector, Wardens and Vestrymen—of what church? Not of *Trinity* Church; but the Rector, Wardens and Vestrymen of the Church of England, as by law established. Trinity has simply the name of the building; but the corporation that took the land as a corporation, had nothing whatever to do with Trinity Church as a church.

I now call attention to page 42 of the new report, which relates to another branch of this subject, as to what Trinity has done. She was called upon in the original resolution of the Senate to report what she had done, by the way of endowing institutions of charity or benevolence, for her own poor. Well, it is a remarkable fact that Trinity Church—the most immense religious corporation in existence within the bounds of the State—has done nothing for institutions of charity or benevolence, even for her own poor. This point is met by a question propounded to the Rector of Trinity, who replies, “This appears to me a most remarkable statement. It has liberally and amply endowed Trinity Charity School, which has been doing immeasurable good to her own poor, and others, from generation to generation; and which, from a munificent bequest, of which she is just about to come in possession, promises to become one of the most important institutions in the land. The testimony on this point comes from a quarter where it was but little to have been expected, and is calculated to leave a false impression on the public mind. Neither Trinity Parish nor Trinity Corporation have been so unmindful of their own poor, as the report of the committee would seem to imply.”

In this connection, it will be seen that the Rector, in order to show that the statement that she has given nothing for such purposes, cannot be true, gives evidence of the fact that she has endowed “Trinity Charity School.” I should like to know how she has endowed that school? It is now rich, and how has it become rich? By Trinity having given it lots when they were hardly worth a song; and now by the natural rise and growth of the city, these lots, originally worth nothing, have made the charity comparatively wealthy. But the Rev. Rector, in speaking of this very subject, as to the institutions Trinity has endowed, says “she has got her Dorcas Societies, her Industrial Schools, her Parish Schools.” Her schools are most decidedly the richest specimens Thinity Church has made in her “endowments” to institutions, to charity or benevolence. “She makes annual and occasional collections,” he further says, “in her parishes.”

Well, I would like to know what church does *not* make these annual collections. Why, if these are to be called *endowments*, then the little, humble church to which I am attached, poor and in debt as she is, is making endowments. But Trinity employs "lay agents," it is said, "whose business it is to give needful assistance and counsel to the emigrant, on his arrival at this port; to visit the suffering poor, and ascertain their fitness for the bounty of the church, and to search out the ignorant for religious instruction."

I do not know but that it is meant to claim this as an "endowment," because it pays the men it thus employs a salary of \$1600 a year. Sir, there is not in the annals of history, there cannot be found in history, any other church, with such ample means, with property large enough to endow every other church in New-York, that does not raise her hands in support of her poor sister churches. When asked for aid, her reply is that she is already in debt six hundred thousand dollars. She owes this large sum, and cannot give anything away. She would like to give, but is not able. Oh, no! When the churches of the city call upon her for aid, it is a very easy matter for her to say "we can't give, because our debt is \$600,000, and that makes us poor," but she does not stop long enough to tell us how that debt was incurred. She does not tell us that churches in the city of New-York—wealthy churches—have received from her hands, from time to time, those immense sums of money which have taken from her treasury all she has, and that therefore she has incurred this debt.

I may say, and I do say here, in justice to some of the vestry-men of the church, that while some have favored the erection of those magnificent temples, others have persistently resisted such a policy; but in vain. They have brought in their estimates and bills of \$60,000; and when the structures have been built, they have cost \$260,000 or \$270,000.

Sir, Trinity can, when it is to gratify those upon whom she can rely for support and increased strength, put her hand into her pocket, and with a princely liberality help to raise up magnificent and costly temples, carved and sculptured as by an Angel's hand; but when a cry of help comes from those from whom she

can expect no power, her reply is, "we should love to give, but our debt will not allow us."

And how is it with regard to the interest of that debt? How is the management of the fund carried on to-day? Sir, the representatives of the corporation of Trinity Church, if not shielded beneath the garb of a religious society, would every one be sent to a mad-house. With a debt of \$600,000, and with their whole vast property yielding them less than \$100,000 a year! They say it is out on long leases. This is not true, as a matter of fact. Half of these long leases have already expired. They have three millions of dollars worth of property, which at 7 per cent. would yield them \$210,000. But they prefer to keep their real estate—and when I say *they*, I speak of the standing committee who represent Trinity Church in the green rooms of the councils, and who use the funds, not for the purpose for which they were originally designed, but to keep them fast, increasing and swelling up in their hands. Her policy now is not the same as it was prior to 1814. She holds her lands now, and builds magnificent churches, and lays out immense sums upon them, and when the poor churches come to beg of her, she has not a dollar for them.

And yet they tell us, with this immense amount of property in their hands, that this is good management! I wonder if the 125 corporators of the church understand what the management of this fund by the corporation really is? I wonder whether they know what these vestrymen and wardens are doing? No, sir. Not a word ever reaches them. No report is ever given to the corporators. The wardens and vestrymen are placed there only as trustees, and yet they never account for the management of the fund to those for whose benefit it was originally given.

Mr. Chairman, these remarks which I make about this corporation, do not affect Trinity Church nor her parishes and her clergy. It is one thing when I say Trinity Church and her parishes, and another when I say "this corporation." When I come to speak of Trinity Church and her clergy, I can speak of the good they are doing in the city of New-York; for there can be no question that they are doing great good in the cause of religion, and taking care of their poor, as other churches do. But when I speak of the corporation, I speak of it distinct from the clergy, for they

know nothing about its affairs. There is not one assistant minister who has any knowledge of the affairs of the corporation.

Sir: This corporation deserves great credit for some things, and I am willing to give her all that of right belongs to her. She has erected Trinity Church at the head of Wall-street, looking down upon the great money depot of that wealthy city, with her lofty spire piercing the sky, and her merry bells ringing out their music in the ears of all, and giving a pleasant invitation to the rich and poor who love to sit beneath her sanctuary. For all this—for the other magnificent edifices she has built up in the city of New-York—for founding her sewing societies and her industrial schools, she doubtless deserves high credit. But I might stop here and ask whether, while she has done all this, she has not a little overdone it, by fitting and furnishing some of the churches in a style of splendor and magnificence almost forbidding to the humble christian wanderer who seeks to enter her doors. Her velvet cushions, her crimson draperies, and all her gorgeous embellishments may well attract the rich and luxurious, but the poor rarely seek these magnificent structures erected by Trinity Church, to hear the word of God from the minister's lips.

We have heard on several occasions within the last few years, in the Senate halls, the voice of warning as to the power which the Papal church exercises over the minds of men. We have been continually reminded of the dangerous power which that church wields over the will and action of its communicants. We are reminded, too, from time to time, that there are powerful corporations in the State of New-York, which exercise an undue control over the powers that be, in the state government. The note of alarm is constantly sounded on this key. But I ask, Sir, is there any power now existing, or that ever did exist in the State of New-York, stronger, and bolder, and more defiant than this corporation? A power that starting first in the city of New-York, and which, when the Senate pass resolutions affecting it, defies the Legislature of the State and proudly says, "you have no *right* to call upon me for information." A

power that, when the committee under the authority of the Senate seek to discharge their duty, and to take testimony as to the affairs of Trinity, would crush out that committee, and hold it up to the scorn of the people of the State of New-York. A power that is not content with the attempt to extend its influence over the committee, but creeps slowly and stealthily into the Legislature, defies the State herself and declares that it holds grants from the British crown, which are over and above all laws of the State of New-York.

But I ask the Senate to remember that this power is, after all, but the power of a grasping corporation. Although she has behind her the proud spire of Trinity church, yet I know not why she should have any more rights or authority here than a bank corporation, an insurance corporation, or a railroad corporation.

Sir, this power rules also the Convention of her diocese. She does not stop at ruling in the city and at the Capitol of the State, but she rules and controls by her own will the members of the Convention of the Diocese. And what is probably more to be regretted than aught else, she controls her Bishop. The Head of the church is called to her aid, and puts forth his power in order to defeat all, except those who bow and cringe to the despotic power of this overbearing corporation. But not only does she exercise this in the diocese in which she exists, and where her business is carried on, but she goes into another diocese, and drags into her meshes another Bishop. And yet we are told that Trinity Church knows no party, and has no ambition !

I have already said that this power rules the country church. Yesterday morning, more by way of curiosity than from any other feeling, I took up the list of remonstrances, to see who it was from the country that was pressing these memorials regarding the amendment of the law of 1814. I find that of the churches memorializing the Senate, there are in all 41. Of these, 5 are Low and 36 are High churches.

But however cruel, cold and merciless Trinity Church may be in the use of the fund placed in her hands to aid the cause of religion; however much the interests of the Protestant Episcopal Church of the city of New-York may suffer from her policy,

I would invoke here no feeling against her. I desire the cool, calm, deliberate judgment of the Senate on the matters before it. I ask for no excitement of feeling. Let us lay aside all prejudices on either side, and meet this question as we meet all other questions, unbiassed and uncontrolled by any influences that may seek to reach us under the garb of religion. Let us meet it with judgments clear, and with minds accurately fixed on the true matters in dispute between the corporation as it now exists, and the corporators whose rights were stripped from them by the law whose injustice we seek now to redress. I ask not that the bill introduced here may be supported by any member of the Senate, unless he shall be satisfied that its provisions are just. I ask not for legislative action against this corporation unless those who were originally corporators under the grant of 1697 and the laws of 1784 and 1788, are entitled to rights of which they have been improperly deprived. But if they have any vested rights under that original grant and the subsequent laws, then I say that the Legislature of the State of New-York is bound to protect those vested rights wrested from them by the act of 1814.

Sir, I speak not for the living only, but for those who are yet to come, for they also are injured by the law. It was not for the inhabitants of New York, in communion of the church of England in 1697 only, but for those inhabiting and to inhabit the city, that the grant was made. It was to them and not to Trinity Church that the property was given; she was simply trustee—nothing more.

Now as to the question whether or not she has administered the funds wisely. If she had given to the poor churches as she should have given; if the fund had been distributed for the good of the church and of the people, then I grant there might be some ground for saying there should be no amendment to the law of 1814. But if it is clear that prior to 1814 there was such trust, and that the property thus held for the benefit of the inhabitants of the city of New-York is now improperly managed and unfairly appropriated; then it is not a duty

we owe to those now upon the stage of life, and to all who are to come after them, to reform these evils, and to rescue from Trinity Church and her corporation the rights of these parties so long divested from them.

Sir, the assertion is made that the original corporators have enjoyed these wrongs so long, that they begin to ripen into rights! That the wrongs to these beneficiaries having been suffered to quietly exist for forty long years, they ought not now to ask for their removal. I answer, that if there is a right existing—if these people were the original corporators—if the property was granted to their use—then there is no power in the legislature of the State of New-York which can divest them of those rights or deprive them of that property. I repeat, that if the original corporators had rights under the original grant, no law that the State of New-York can pass can take away those rights. They remain secure and inviolable for ever.

Mr. Chairman: I have already occupied the attention of the committee for too long a time; but I deemed it necessary after examining the testimony, to briefly call the attention of Senators to matters which came up before the committee, because I know it is impossible—voluminous as that testimony is—in the press of other business to read one-half of it. I again call upon Senators to enter upon the investigation of this matter without passion or feeling; to exercise their best judgment in deliberating upon it; and if, in their opinion, the law of 1814 did deprive these men of any of their rights, then I ask them to place the original corporators in the same position they occupied prior to the law of 1814. There is to be no overturning of Trinity Church, as has been represented in the country, and at this Capitol. The same men who are corporators now, will remain corporators still. The only amendment offered, and the object of the bill, is to restore to the original corporators the rights they enjoyed from the year 1697 up to the year 1814.

Mr. Wadsworth commenced his reply, but had not proceeded far, when interrupted by the hour of adjournment.

IN SENATE, March 28.

At the conclusion of Mr. Wadsworth's remarks, Mr. BROOKS said :

Mr. Chairman : I do not propose at this time to go into the discussion of the bill now under consideration, but shall content myself with now offering a substitute, reserving to myself the right at some future day to occupy as brief time as possible in examining the merits of this bill offered by the Special Committee.

The substitute was read ; and Mr. NOXON, in reply to Mr. Wadsworth, said :

Mr. Chairman : Inasmuch as the substitute offered by the Senator from the 6th does, in effect, remedy in some degree what is claimed to be one of the greatest wrongs ever perpetrated on personal rights, I do not know but that it will be acceptable to those parties in New-York who have been injured by the act of 1814. If I understand the purpose of the substitute, it is that Trinity Church shall annually elect ten Vestrymen and one Church Warden, and that ten Vestrymen and one Church Warden shall be elected in the other parishes in New-York, and that these Vestrymen and Wardens thus elected shall have the care of this great fund.

I care not, Mr. Chairman, how the object is attained. I have no desire to press upon the Senate the particular bill reported by the committee. I only wish that the rights of the original corporators, taken from them by the law of 1814, shall be restored to them.

The Senator from the 31st has seen fit to say that I have only touched the threshold of the legal questions involved in this discussion. Sir, I call the attention of the Hon. Senator to the fact that he has only to read the charter and the subsequent laws to discover his error. The charter tells the Hon. Senator that this property in New-York, granted in 1697, was granted to the use, of whom ?—of Trinity Church ? Oh, no ! but as the charter says (and there is no mistaking its language), those inhabiting, and to inhabit, the city of New-York in communion of the Church of England.. Now I lay down the proposition that the language of the charter cannot possibly bear any other construction than that I have put upon it, and that it settles of itself all questions of law ;

and when I call the attention of my honorable friend to the charter—to the plain declaration on its face—it is for him to answer if he has got any law to disprove it. It is not for me to produce law for that which on its face must directly carry conviction to every man.

But it does not stop at saying to whose use the property is dedicated ; but goes on to describe the persons who shall vote for wardens and vestrymen.

If I understand the charter, and law of 1704, it is provided that there shall be annually elected two wardens and twenty vestrymen, and that those who vote for them shall be inhabitants of—what ?—not of the parishes of Trinity or her chapels, but of the city of New-York, who shall be communicants of the Church of England. The subsequent act of 1784 says, “in communion of the Protestant Episcopal Church.” Now I ask the Hon. Senator in view of the grant, which is too plain to question, how he can say that I have only touched the threshold of the legal question ?

Mr. WADSWORTH :

Will the Senator allow me one moment ? I desire to direct his attention to the fact that this was a charter to build the first church and the first steeple in the city of New-York.

It first makes reference to the minister. Secondly it alludes to the building of the church, and laying the foundation of the steeple. Thirdly follows the royal grant of a certain church and steeple, with ground adjoining, &c. It then goes on with respect to expenses. A little lower down it speaks of the “*aforesaid church.*” Lower still, of the Rector of the *aforesaid church* ; making it clear that when it speaks of the inhabitants of New-York in communion of our *aforesaid church of England*, it alludes to that single church to which the charter throughout has reference. It is in view of these facts that I think it would be well for the Honorable Senator not to jump so eagerly to the 9th page of the charter, but commence at the beginning, and he will then find that the words “*in communion of our*

aforesaid church," allude to Trinity Church alone, as it alludes to one Rector and to one parish.

MR. NOXON :

I am very willing to be called out on that branch of the charter, because I have given great attention to it, and I think if the Hon. Senator had taken the same pains to understand it that I have, he would find that the first pages of the charter have no reference to the grant. The church was already built. The preamble recites what had been done. A minister had been sent into the country "for the cure of souls." After a time this church was erected, and after that, the then Governor of New-York, who had interested himself much in the church, petitioned for the grant. Then comes the preamble in the charter, providing for a Protestant minister. There was in 1693 no minister in New-York; but in 1697 there was. A little further on it recites the petition and then goes on to state the inducements for the charter. The grant itself is entirely distinct from this preamble. I tell the Hon. Senator that I have commenced at the starting point, and perfectly well understand what that grant is.

MR. WADSWORTH :

If the Senator looks at page 11, he will find what the grant is.

MR. NOXON :

My attention is called to page 11. I must say that the Hon. Senator is wrong again. The allusion at that page is to the furnishing, not to the erecting of the church.

MR. WADSWORTH :

I was not wrong before. The church was in process of erection.

MR. NOXON :

No Sir, it was finished. But the charter goes on to say what the name of the church is. Then comes the next question as to who was entitled to vote for wardens and vestrymen. The Hon. Senator says I do not go into the legal argument. Sir, I present facts—I present the grant, which says that the inhabitants of the city of New York of that faith shall vote.

The Hon. Senator, in his opening remarks, has said it is sought by the advocates of this bill to accuse Trinity of certain crimes. I can only say the charge is not the proof. The fact is, this belief has grown up in the mind of my honorable friend, and is without foundation. The idea that they whose rights have been taken away by the law of 1814, and who desire that they shall be restored, would tear away the graves of Trinity, is simply ridiculous. There is no evidence on the point. But the Hon. Senator says that it is charged as a great crime against Trinity that she would preserve those graves. He also says that it is charged as a crime against Trinity that she will not sell St. John's Park. I say that it was part of the original agreement that the park was to be sold ; and yet the Hon. Senator says that the church merely fixed a price in order not to sell it.

I was a little astonished, Sir, to hear the Hon. Senator assert that it was charged as a crime against Trinity that she rebuilt her church. I said distinctly that it was an ornament and honor to New-York to place the church there at that point. Not that I think there is any necessity to have it at the top of the money depot of the city ; for they are not the men who attend Trinity church, who hover about their money boxes in Wall-street. Who are they, then, that attend the church ? The poor, in the lower part of the city. The rich inhabitants of Wall-street attend the church edifices in the upper part of the city. But the Hon. Senator says the objection to the building of churches was because it was desired to divide up the property. Who proposes any such thing ? Does the bill propose it ? Does the amendment propose it ? No such thing. There is no such proposition except in the imagination of those who suggest it.

Now how is this great fund managed, that was to benefit all the original corporators ? By one hundred and twenty-five men. They are all that control the fund that was designed for the benefit of all in communion of the Protestant Episcopal Church, residing in the city of New-York. And in what manner are their elections managed ?

I call attention to the files, where the fact is shown that for years less than thirty men have elected the vestry.

Mr. WADSWORTH :

I have made the statement, and I repeat it, that any person who is a communicant of that church is entitled to be a corporator. Any Episcopalian may join the parish and become a communicant if he please, and there is not an instance on record of a single communicant being refused his vote.

Mr. NOXON :

I think there will be no difficulty in harmonizing the views of the Hon. Senator and myself. The pewholders of the church are protected. The act of 1814 protects them. I only make the statement that this fund is controlled by 125 men, instead of by the thousands of corporators who are dispossessed by the law of 1814; and that less than thirty corporators elect these Vestrymen who have endeavored to break down the committee in order to overrule and override the Senate of the State of New-York.

I might stop here and ask one single question—why is it there is such avidity, such greediness on the part of the Vestry to hold on to the power lodged in their hands by the law of 1814? The Hon. Senator from the Thirty-first asks if Mr. Dix and Mr. Verplanck are to be impeached on this floor? No impeachment is brought against them. The charge is not that the fund is controlled by them. Indeed, they have resisted from time to time in the vestry the acts of the standing committee. But the charge is, that others hold on to and administer the funds; and why is it they so pertinaciously hold on to the church property and lease it out from year to year? Probably on account of some consideration not yet brought before the Senate. I surmise that in these same leases there is something that does not meet the eye. That some friend stands behind, in the back-ground; some son, or father, or brother occupying this property, and making a profitable thing out of these leases. I ask, what is it that should induce them to hold on to this property, unless there is something that the public cannot see?

Mr. WADSWORTH:

Will the gentleman state the name of the vestrymen he thus publicly impeaches?

Mr. NOXON:

I impeach and charge no man. I surmise these things—that is all. But can the gentleman inform us why it is that they thus hold on to this power to lease this property on long leases?

Mr. WADSWORTH:

We can read that in the evidence.

MR. NOXON:

The gentleman asks, if these original corporators are allowed to come in, would the ministers now at Trinity's altars be permitted to remain? I answer certainly they would, if they do their duty; but if not, they would be removed, as they ought to be. Is there no faith to be placed in the Protestant Episcopal Church outside of Trinity? Is all a mob beyond her parishes? Does the Senator tell me that the Protestant Church has fallen so low that her elections must be like the elections of the sixth ward, and that her voters must be dragged to the polls with bloody noses, by the force of cudgels? I do not believe that the Senator will make any such impeachment of the honorable gentlemen who are here petitioning for this law.

Again, the Hon. Senator has said that I charged upon Trinity that she has done nothing for the cause of education. I do not think I made any such charge. I did certainly speak of what Trinity has done in the way of charity for her own poor. But when the gentleman mentions her gift to Columbia College, I would remind him that she has given nothing to that college since 1812. I do not deny that Trinity does much both for the city and country; but while I admit she does much, I do complain that she does not do half enough. While she is enriching herself by holding on to her property, she does not give away half enough. It cannot be that the men who come here and desire to have their rights secured, are against the country; for they desire to increase the gifts, and consequently the usefulness of Trinity. My honor-

able friend says he is not an Episcopalian nor the son of an Episcopalian. I trust that, being the son of an Episcopalian, I can speak more confidently than himself on this point. I know the character of the Protestant Episcopal Church; and I should be the last Senator on this floor to state that Trinity has not done much in every department of religion for the good of the church.

She has given to churches in New-York; but the complaint is that she has given only feebly. She has only taken from her fund grudgingly, when she might have bestowed liberally.

But the question is not what Trinity gives or withholds. The question lies back of all that; because, if the persons who claim to have been wronged by the act of 1814, really have rights and powers under the original charter, no powers in the Legislature of the State can deprive them thereof. I think that the question I started with *must* be met, and met fairly. To whom does this property belong? Does it belong to Trinity as a close corporation, sealed from the eyes of the corporators, or does it belong to the corporators themselves? If it does belong to them, then again I say no power in this Legislature can take it from them. Though the country should pour in her petitions by the basket full, are we to suffer such considerations to control us? Have we not the right to say that these beneficiaries in the original grant shall not be deposed, even if the restoration of their rights should tend to dethrone the present Vestry of the church.

My honorable friend, in the course of his remarks, has declared that consecrated justice is on the side of Trinity. Where can it be found? In her one hundred and twenty-five corporators, who have wrested from the other corporators their just rights? Tell me not of consecrated justice from those who are steeped in wrong—Trinity Church never had any right in the property she unjustly holds. Where is the grant giving her such right?

Mr. WADSWORTH:

It is in the charter. The charter gives her that right.

Mr. NOXON:

No, it does not. It gives it to the corporators, not to the church. The church usurps it, and yet the Senator talks about its consecrated justice. Consecrated justice! Why, I wonder that the embellishments that surround her churches do not cry out in judgment against her. Consecrated justice, in usurpation! Consecrated justice, in daring wrong! Consecrated justice, in robbing men of their rights!

Mr. WADSWORTH:

Why did not these men exercise their rights, if they ever possessed them?

Mr. NOXON:

The Hon. Senator asks why they did not exercise their rights. Suppose any special right should be granted to him; the non-exercise of it would not invalidate it. There are rights of which no refusal to exercise can deprive men; the right of suffrage, for instance. Does not that right remain with a man, let him exercise it or not, until he goes down to the grave? I ask the Senator from the 31st if it would not be a bold proposition, should a man not exercise his right to vote for 40 years, to refuse his ballot when at last he came to offer it at the polls? And so of every other right, the exercise of which is voluntary and not compulsory. My Hon. friend has seen fit to liken these original corporators who came here asking for this bill, to a person who should go into the Astor House and insist upon entering into a partnership in the property with its owner. Sir, I would ask him here, whether Mr. Astor would forfeit the rights he possesses in that property unless he should every day, or every week, or every month, come and stand around the bar-room and claim his rights? These men ask but the renewal of an original partnership, from which they never were dissolved except by an unconstitutional law.

MR. WADSWORTH:

If the Hon. Senator will allow me, I will ask him why, if this.

great wrong is really done to any corporator, he does not offer his vote at the annual election ; and when his ballot is refused, apply at once for a *mandamus* and seek his remedy in the courts ? Why have these men been thus wronged for one hundred and fifty years, when the courts are ever open, and Judges sit ever ready to protect the constitutional rights of the people ?

MR. NOXON :

I will tell the Senator why. If the case was the case of a single individual there would be no difficulty about it. But it is not, and there are too many interested to make it practicable or advisable to go to the courts. Why, it would be the delight of Trinity if eight thousand persons should each come into the courts, for Trinity Church would enjoy the protracted law suits till the suitors all went down into the grave. I say it is the right and duty of the Senate to interpose and protect the people of the State of New-York from a litigation involving hundreds of thousands of dollars. The idea has long since been proposed by Trinity, that these questions should be tested by the courts of law, in order that she might string an interminable law suit along for years ; but as soon as the injured persons come here for the redress that is their right, the cry of the church is that "it will produce litigation." It is the solemn duty of the legislature to repeal at once all laws which are clearly unconstitutional, without waiting the tardy step of the courts.

The Senator from the 31st says that he trembles for the church and for the country if this bill should be enacted. Sir, I tremble for both, if this power, thus consecrated to injustice, is to rule the State of New-York and her counsels, if this corporation, created by the law of 1814, is to mould the Legislature, as she does the church, to her will. The manner in which she exercises and wields the power she does possees, is seen in every paper that has been laid upon our desks. I see that the Honorable Senator from the 27th, in presenting one of the memorials of these subsidized country churches, thought fit to say with emphasis that it was from a *low* church.

MR. HALE :

I said from a church low in funds, which had never received the bounty of Trinity.

MR. NOXON :

If she is low in funds, then probably she is an applicant for that bounty. These churches do not come here on behalf of Trinity, unless some secret spring moves and controls their action.

Mr. Chairman, the Hon. Senator from the 31st was a little flighty in imagination, when depicting the serious consequences that would follow the passage of this bill. It does not appear to me that the matter should excite such an outburst of eloquence. Why, who are the corporators of the church now? Do they not elect the Vestry? What is to occasion this tearing down of the church—this division of family from family—this severing of friend from friend? The bill before us simply mentions the persons who, as communicants of the Protestant Episcopal church in New-York, are to be entitled to vote for vestrymen of the church. And then what? Can the gentleman suppose that the Episcopalian in New-York are so lost to a sense of justice as to elect annually to the positions of wardens and vestrymen such men as are fit only to be elected at the 6th Ward polls? Sir, I have more confidence in the Episcopalian in and out of the city of New-York than not to believe that they are men as upright and honorable as any of those who appear here as the special advocates of Trinity. Can it be possible, I ask, that the Hon. Senator believes the Episcopalian of New-York would elect men who would not discharge their sacred trust faithfully and impartially? I think when he comes to reflect upon this subject more maturely, he will recall any such insinuation.

Mr. Chairman, the bill now under consideration does not, as I have said, alter the Vestry, but only says who shall elect them. Now, sir, I think if the citizens of New-York, outside of Trinity, could have only a single member elected in that corporation, it would do much good. Just one--to act as a check upon the

Vestry. But, no ; even that proposition would not be listened to by the church. The design is that the corporation shall be a close one ; that neither the Rector, nor the Bishop, nor the corporation shall know anything of its acts. It controls the Conventions of the Diocese, so as to put into power High Churchmen only ; and when it comes into the Legislature, it can be seen how entirely it controls the country churches. I have said that the power of Trinity is unquestionably greater than that of any railroad or bank, or insurance corporation in existence. What other corporation is there, I ask, that can do as this one has done ? She has poured in memorials upon us as if wires, attached to every clergyman in the State, led into the green room of her Vestry, and she had only to pull them in order to work her will. Not five days had elapsed when we found these memorials pouring in from churches in every part of the State of New-York.

From all portions of the State come these remonstrances against the Senate's touching Trinity, because, forsooth, she is so sacred in the eyes of the country churches !

MR. WADSWORTH :

It is the natural attachment of a child to its parent.

MR. NOXON :

The Senator says it is the natural attachment of a child to its parent. I ask him what does that parent do to her other children in the State of New-York ? And who are these children who are coming here and displaying so much fondness and affection for their old mother church ? Who, but those who are receiving or expecting bounties from her, or over whom she holds mortgages which she could foreclose, if she pleased, to punish them for neglecting her wishes ?

But, Mr. Chairman, it is not true, but a fiction arising in the fancy of my Honorable friend, that the money of this church is to be confiscated—the church to be torn down—the graves to be violated—and the whole property scattered to the four winds, by the vestry to be elected under the provisions of this bill. It is a dream of the church, which I am sorry to say my Honorable friend has expressed here as a waking dream, and not a sleeping dream.

I say it is a matter of impossibility to suppose these things probable, because when I mention the names of Luther Bradish, Cambreleng, Winston, Brown, Minturn, Cooley, Jay and Wolfe, the men who are accused of desiring to thus dismember Trinity, every one must admit they stand too high in the city of New-York to be reached even by the flights of fancy of my honorable friend, who, in the excitement of debate, made this charge against them.

Mr. WADSWORTH :

I ask the Senator if he does not think these gentlemen must have been a little excited themselves when they declared that there was in the church property "enough for all?"

Mr. NOXON :

Well, let us see what those words mean. I call attention to the charge, and then to the following card, which I will read, and upon which it is grounded :

NEW-YORK, March 23, 1857.

To the Editor of the Gospel Messenger, Utica, N. Y.:

SIR—In your comment of Friday last upon our "Statement and Declaration," as the executive committee appointed at a large meeting of the inhabitants of the city of New-York, in communion of the Protestant Episcopal Church, in regard to the affairs of Trinity Church, you do us great injustice in stating the object of our movement to be that the funds of the church shall hereafter be applied "*to city churches only.*" No such restrictive phrase has ever been used by us, or was heard at the meeting which appointed us, or has found expression in any of our more informal conversation on the subject; and, so far as we know, there is no restrictive design or desire cherished by any of ourselves, or of those who act with us in this matter. This charge, to which we now reply, has been from the first an altogether gratuitous injustice to our motives, which we have always repudiated as utterly unfounded. There is no reason why we of the city should have any desire to diminish, in any way, the aid hitherto extended to the country; for we believe, and it has been proved, that there is

enough for all; and our desire is, that all may impartially participate therein.

| | |
|----------------|--------------------|
| L. BRADISH, | ROBERT B. MINTURN, |
| S. CAMBRELENG, | J. E. COOLEY, |
| F. S. WINSTON, | WILLIAM JAY, |
| STEWART BROWN, | JOHN DAVID WOLFE, |
| | Committee. |

Now, what do these gentlemen mean by saying that there is "enough for all?" Simply that there is enough in this great fund of Trinity Church to aid not only the city, but the country churches as well. What does the Senator mean by stating that these persons are acting against the country churches, and in the same breath finding fault with them when they say there is "enough for all" these churches? I repeat, Mr. Chairman, what I have before stated, that the charge is entirely groundless, that these men are unwilling that Trinity's fund should aid the country churches. I repeat that they give more annually out of their own means to the country churches than Trinity herself gives; and I say that it is to prove their desire to assist the country churches that they use in their card the words so offensive to the Senator from the 31st—"there is enough for all."

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